

**REMARKS/ARGUMENTS:**

This Amendment and the following remarks are intended to fully respond to the Office Action mailed March 17, 2008, hereinafter "the Office Action." In the Office Action, claims 29-38, 42 and 43 were rejected under 35 USC § 101 because the claims are allegedly directed towards non-statutory subject matter; claims 1-43 are rejected under 35 USC § 102(a) as being anticipated by Brickell et al. (U.S. Patent Application Publication No. 2003/0115142, hereinafter "Brickell"); and claims 3-4, 10-12, 19, 23 29-31, and 38 were rejected under 35 USC § 103(a) as being once again unpatentable over Brickell in combination with Official Notice.

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 1-3, 5-7, 18-40, and 42 have been amended and no claims have been cancelled or added. Therefore, claims 1-43 remain pending for examination. Support for the amendments made herein can be found at least at pages 17-19 and FIG. 4.

**Interview Summary**

The undersigned wishes to thank Examiner Tran for granting the in-person interview on August 11, 2008. During that interview, Applicant's representatives discussed the documents filed under seal according to MPEP § 724. Applicant's representatives also discussed the claimed embodiments of the present application and discussed proposed claim amendments and how they are distinguishable over the cited reference. Examiner Tran indicated that the proposed amendments may overcome the cited reference; however she will perform an updated search upon receipt of the Amendment.

**Claim Rejections - 35 USC § 101**

Claims 29-38 and 42-43 were rejected under 35 USC § 101 because the claims are allegedly directed to non-statutory subject matter. Claims 29-38 and 42-43 have been amended to recite a computer readable medium. The specification states,

"[t]he hard disk drive 27, magnetic disk drive 28, and optical disk drive 30 are connected to the system bus 23 by a hard disk drive interface 32, a magnetic disk drive interface 33, and an optical disk drive interface 34, respectively. The drives

and their associated computer-readable media provide nonvolatile storage of computer-readable instructions, data structures, program modules and other data for the computer 20. It should be appreciated by those skilled in the art that any type of computer-readable media which can store data that is accessible by a computer, such as magnetic cassettes, flash memory cards, digital video disks, Bernoulli cartridges, random access memories (RAMs), read only memories (ROMs), and the like, may be used in the exemplary operating environment.” (Specification, Para. [0063]).

Therefore, the embodiments recited in the amended claims are encoded in tangible, computer-readable media and are, thus, patentable subject matter under 35 U.S.C. § 101. *In re Beauregard*, 53 F.3d 1583, 1584 (Fed. Cir. 1995). Applicants respectfully request that the Examiner withdraw the §101 rejections.

### **Claims Rejected - 35 USC § 102**

Claims 1-43 are rejected under 35 USC § 102(a) as being anticipated by Brickell. Applicants respectfully traverse the § 102(a) rejections because either the Examiner has failed to state a *prima facie* case of anticipation or the current amendments to the claims now renders the Examiner’s arguments moot. Indeed, a *prima facie* case of anticipation can be met only where the reference teaches each and every aspect of the claimed invention. *See* MPEP §§ 706.02 & 2132. Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”). Brickell fails to teach or suggest every feature of the recited embodiments.

Brickell relates to systems for providing authentication service. (*See Brickell*, Abstract). Brickell teaches the use of an authorization server that determines the level of authentication required based upon the service request. The authorization server then asks the authentication server to authenticate the user. The authentication server sends authentication of the user to the authorization server. The authorization server verifies that the level of authentication is met and sends a success message to the relying party. (*See id.*, FIG. 3 and Paras: [0036]-[0037]).

Brickell fails to teach or suggest, at least, identifying, by the broker service, an appropriate authentication service among a plurality of authentication services, as recited in

independent claim 1. The system taught in Brickell is a closed system; thus Brickell does not disclose making a decision as to which server is the proper server to perform authentication in a particular instance. Indeed, there is no "broker service" in Brickell.

On the other hand, the embodiment recited in claim 1 is an open system in which a plurality of authentication services may be employed to provide authentication services. Because claim 1 recites a plurality of authentication services and that the authentication request does not include an identification of an authentication service, it is necessary for the broker service to identify an appropriate authentication service from among the plurality of authentication services. While Brickell does teach identifying a proper level of assurance, *see* Para [0036], this is not the same as identify[ing] an appropriate authentication service from among the plurality of authentication services. Brickell relies upon the same authentication server to perform the authentication regardless of what level of assurance has been selected. Because Brickell does not teach the use of multiple authentication services, the reference fails to teach or suggest identifying, by the broker service, an appropriate authentication service among a plurality of authentication services. Indeed, such identification is unnecessary in Brickell because the reference teaches a closed system that does not include additional authentication services.

Independent claim 1 additionally recites identifying of the appropriate authentication service is based at least in part on determining that the second trust relationship exists. Again, because Brickell does not teach the use of multiple authentication services, it is unnecessary for the reference to teach identifying an appropriate authentication service, let alone making such an identification based at least in part on determining that the second trust relationship exists. Therefore, Brickell cannot teach or suggest that the identification of the appropriate authentication service is based at least in part on determining that the second trust relationship exists. For at least the foregoing reasons, independent claim 1 is allowable over the cited reference.

For at least similar reasons, independent claim 20 is also allowable over the cited reference. Independent claim 20 recites, *inter alia*,

receiving at a broker service an authentication request from the relying computing entity to authenticate the identity of the user, wherein the authentication request does not include an identification of an authentication service;

identifying, by the broker service, an appropriate authentication service from among a plurality of authentication services, wherein:

(a) a first trust relationship exists between the relying computing entity and the broker service;

(b) a second trust relationship exists between the identified authentication service and the broker service;

(c) no relevant trust relationship exists between the identified authentication service and the relying computing entity; and

(d) identifying of the appropriate authentication service is based at least in part on determining that the second trust relationship exists;

Thus, independent claim 20 is also allowable over the cited references for at least the same reasons as discussed with respect to independent claim 1.

For similar reasons, independent claims 40 and 42 are also allowable over the cited reference. Independent claims 40 and 42 recite, *inter alia*, one or more users have identities issued by one or more appropriate authentication services identified by the authentication broker service from a plurality of authentication services, the one or more appropriate authentication services having trust relationships with the authentication broker service, wherein identifying of the appropriate authentication service is based at least in part on determining that the trust relationship exists. Thus, independent claims 40 and 42 are allowable for at least similar reasons as discussed with respect to claims 1 and 20.

For the forgoing reasons, Brickell does not teach all the limitations of independent claims 1, 20, 40, and 42 and therefore cannot anticipate the present invention as claimed. Independent claims 1, 20, 40, and 42 are allowable over the cited reference and should be allowed. All other claims, *i.e.*, claims 2-19, 21-39, 41, and 42 depend from the one of the allowable independent claims and are, thus, also allowable over the cited reference of record. Therefore, Applicants

respectfully request that the Examiner issue a notice of allowance, for all claims, at her earliest convenience.

**Claim Rejected - 35 USC § 103(a)**

Claims 3-4, 10-12, 19, 23 29-31, and 38 were rejected under 35 USC § 103(a) as being once again unpatentable over Brickell in combination with Official Notice. Applicants respectfully traverse the §103(a) rejection because claims 3-4, 10-12, 19, 23 29-31, and 38 depend from one of independent claims 1 and 20. As noted above, independent claims 1 and 20 are allowable over the cited reference. Therefore, claims 3-4, 10-12, 19, 23 29-31, and 38 are allowable over the cited reference by virtue of their dependence upon an allowable claim. Therefore, Applicants respectfully request that the Examiner issue a notice of allowance, for all claims, at her earliest convenience.

**CONCLUSION**

This Amendment fully responds to the Office Action mailed on March 17, 2008. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

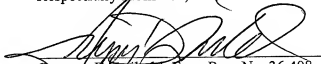
Thus, a bona-fide attempt has been made to ensure that the application meets all statutory requirements and is in condition for allowance. The Examiner's early indication to that effect is, therefore, courteously solicited. If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

It is believed that no further fees are due with this Amendment. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

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Respectfully submitted,

  
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